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ABSTRACT

This digest discusses the process of referring language minority students to special education, focusing specifically on the problems of overreferral and underreferral. The prereferral process, the assessment and referral process, and the characteristics and behaviors of language minority students in need of special education are described in detail. (VWL)

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ERIC Clearinghouse on Languages and Linguistics
Center for Applied Linguistics
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Referring Language Minority Students to Special Education

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Specialists assume that approximately the same proportion of very bright individuals, cognitively limited individuals, language handicapped individuals, etc., will be found in any population. Statistically, about 12% of the language minority population in the United States may require special education. In some school districts, language minority students are overrepresented in special education, while in other districts, and in certain categories of special education, there is an underrepresentation of handicapped language minority students. While special education is not the only option available to language minority learners with special needs, it is imperative that these students be identified and given access to the full range of special education and related services to meet their needs.

The Prereferral Process

Prereferral is a screening and intervention process that involves identifying problems experienced by students in the regular classroom, identifying the source of the problems (student, teacher, curriculum, environment, etc.), and taking steps to resolve the problems in the regular classroom. The prereferral process seeks to eliminate any unnecessary and inappropriate referrals to special education. Most inappropriate referrals can be avoided by implementing a prereferral intervention process through which teachers are helped to remediate the problems the child is experiencing in the context of the classroom. Often, this is done in conjunction with other colleagues and school support personnel. One prereferral method uses Teacher Assistance Teams (TATs)--groups of teachers selected by their peers to facilitate prereferral problem-solving. The TAT and the referring teacher meet to discuss problems the student is having, think of possible solutions, and develop a plan of action to be implemented by the referring teacher. Follow-up meetings are held to discuss the effectiveness of the proposed interventions, and to develop other strategies if necessary. Ultimately, the TAT decides whether the student should be referred to special education (Garcia, & Ortiz, 1988).

In addition to reducing unnecessary referrals to special education, the prereferral process leads teachers to design and implement educational interventions that are often effective in the least restrictive environment, the regular classroom (Benavides, 1987; Mazur et al., 1989).

Assessment and Referral

The referral of a student to special education should be an indication that all other avenues have been explored, and that a conclusion has been reached that the child's needs cannot be met by the regular education program. It may also indicate the presence of a handicapping condition (Garcia & Ortiz, 1988). Confirmation of a handicap and identification of its specific nature are provided by a comprehensive assessment of the student. All referrals of language minority students to special education should include the results of tests in the child's native language and in English, and all records and reports on which the referral is based. Verification should be provided of the appropriateness of the school's curriculum, the qualifications and experience of the teacher, and the appropriateness of instruction provided to the student (continuity, proper sequencing, the teaching of prerequisite skills). Documentation of the child's problems across settings and personnel should also be included, along with evidence that the child's difficulties are present in both languages, and that he or she has not made satisfactory progress despite having received competent instruction (Garcia & Ortiz, 1988). However, because many of these children are losing or have not fully developed first language skills, it may be difficult to ascertain that the learning difficulty exists across languages.

To ensure access to special programs, yet not use special education as a dumping ground for limited-English-proficient (LEP) students, it is imperative that LEP students be tested thoroughly. Every possible formal and informal assessment procedure should be used to determine the student's level of functioning and possible handicapping condition. Current research on language development and second language acquisition should be taken into account, including research on neurolinguistics, cognitive development, bilingualism, and psychological functioning, as well as research on resettlement and cultural and emotional adjustment. The English-as-a-second-language (ESL) teacher, bilingual education teacher, and classroom teachers who work regularly with the learner will have the most important school-based observations and input in the assessment process. This, coupled with input from parents or guardians, becomes the foundation for the assessment process.

Characteristics and Behaviors of Language Minority Students in Need of Special Education

LEP students who have major disorders that interfere with the teaching and learning process should be referred to special education. These students may have a handicapping condition such as mental retardation, hearing and vision impairments, emotional disturbance, physical and health impairments, multiple handicaps, or specific learning disabilities such as dyslexia. Even with intervention, these students experience significant difficulties in the regular classroom. It is important to distinguish, however, between the aforementioned handicapping conditions, and the difficulties experienced by non-handicapped language minority children as a result of their limited proficiency in English. "Linguistic, cultural, socioeconomic and other

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background differences are not considered handicapping conditions" (Garcia, & Ortiz, 1988, p.2).

Difficulties may be evident in both languages or in one or all four of the language skill areas: listening, speaking, reading, and writing. Some students may have difficulty processing language, and may not comprehend oral input; they may look puzzled when questioned, or may respond with completely irrelevant responses or with garbled speech. An auditory memory or auditory processing deficit may be evident. Other students may have significant difficulties learning to read. Those students who may have visual deficits may display weaknesses in their written work: inadequate spacing between words and many misspellings. Little sound/symbol correspondence may exist between the word written and the word intended, or the student may have difficulty writing on the line and may not discriminate the size of letters.

The difficulties experienced by some language minority students may not be entirely language based. Referral to special education may also be necessary for behavioral, emotional, cognitive, neurological, or sensorial reasons.

Assessment: The Over-Identification Vs. Under-Identification Dilemma

Public Law 94-142 states that all handicapped children in the United States are guaranteed the right to a free public education, to an individualized education program and related services that meet their specific needs, to due process (assuring that handicapped students are properly assessed, classified, and placed in appropriate programs), to education in the least restrictive environment, to tests that are not culturally discriminatory, and to multi-dimensional assessment. "Public Law 94-142 requires that state and local educational agencies ensure that test and evaluation materials be provided and administered in the child's native language, and, among other things, that the child be assessed in all areas related to the suspected disability" (Benavides, 1987). The handicapped LEP child has a right to the same special educational services as other handicapped students.

The assessment and placement process is not a simple task. Legal requirements can cause difficulties for districts or schools seeking to implement procedures for assessing LEP children. These requirements can be complex or require a certain level of prior knowledge or expertise. The misdiagnosis of LEP students for special education has led to a number of lawsuits and court orders (*Diana v. California State Board of Education*). "Fear of litigation by school districts can lead to the underidentification of minority pupils in special education. Data collected by the California State Department of Education (CSDE) pupil count verifies the trend of shifting from over-identification of minorities in special education to under-identification" (Vasquez-Chairez, 1988). Bergin (1980) maintains that students from culturally and linguistically different backgrounds are subjected to various forms of bias. In the past, such bias led to referring LEP students to special education for reasons other than those making them eligible for special services. "In recent years, possibly as an overreaction to the identified problems of misdiagnosis, a different problem has surfaced. Limited English proficient youngsters who typically (and, presumably, legitimately) would have been identified as needing special education services have not been receiving those services" (Bergin, 1980).

Direct attention to evaluation issues is essential in order to provide quality education to all students. "It is the objective of fair and appropriate assessment to document any potential difficulties and then to differentiate between those due to intrinsic disorders and those due to cultural and linguistic differences and other intrinsic factors. Only through this process can the appropriate assessment, identification, and programming of exceptional LEP students versus nonexceptional LEP students be accomplished" (Kretschmer, 1990). Hamayan and Damico (1990) suggest that the following questions need to be considered in bilingual special education testing:

- How can the temporary difficulties LEP students face in learning to function in a nonproficient language be distinguished from more permanent perceptual and cognitive deficiencies that interfere with learning?
- How can the abilities and disabilities of bilingual students be evaluated when students are not proficient in the language of testing?
- How can the abilities and disabilities of students be accurately assessed when the students are unfamiliar with the social norms underlying tests?
- What types of assessment not only satisfy the requirements of the law but also give service providers clear guidelines as to the components of instruction that a student needs?

Conclusion

Students who have disorders that interfere with the teaching and learning process should be referred to special education programs that will allow them to develop the skills necessary for full participation in society. However, it is vital to distinguish students who are experiencing difficulties in school because of limited English skills from students who are handicapped. Inappropriate referral to special education can be stigmatizing and costly, and can inhibit limited-English-proficient students from achieving their full academic potential.

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